

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2000-498-C - ORDER NO. 2000-844
OCTOBER 17, 2000

IN RE: Establishment of State Standards for) ORDER ON
Collocation Provisioning in Accordance with) COLLOCATION
Section 251(c)(6) of the Telecommunications) STANDARD FOR
Act of 1996.) BELLSOUTH

This matter comes before the Public Service Commission of South Carolina (the Commission) on the Motion of BellSouth Telecommunications, Inc. (BellSouth) requesting that the Commission adopt and enforce BellSouth's collocation tariff as the State standard for collocation provisioning. Because of the reasoning stated below, we adopt this tariff as the State standard for BellSouth for both caged and cageless collocation.

FINDING OF FACT/CONCLUSION OF LAW NO. 1

Section 251(c)(6) of the Telecommunications Act of 1996 ("1996 Act") sets forth the collocation obligations of an incumbent local exchange carrier ("ILEC"). Specifically, § 251(c)(6) requires ILECs:

[To] provide, on rates, terms, and conditions that are just, reasonable, and nondiscriminatory, for physical collocation of equipment necessary for interconnection or access to unbundled network elements at the premises of the local exchange carrier, except that the carrier may provide for virtual collocation if the local exchange carrier demonstrates to the State commission that physical collocation is not practical for technical reasons or because of space limitations.

Id. BellSouth is an ILEC and therefore must provide collocation “on rates, terms, and conditions that are just, reasonable, and nondiscriminatory.” 47 U.S.C. § 251(c)(6).

FINDING OF FACT/CONCLUSION OF LAW NO. 2

On August 10, 2000, the Federal Communications Commission (“FCC”) issued an Order establishing certain national standards for collocation that will apply in the absence of state standards or when a requesting carrier and an ILEC have not agreed to alternative standards. FCC, In the Matters of Wireline Services Offering Advance Telecommunications Capability and Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, CC Docket No. 98-147 and CC Docket 96-98, Order on Reconsideration and Second Further Notice of Proposed Rulemaking in CC Docket No. 98-147 and Fifth Further Notice of Rulemaking in CC Docket No. 96-98 (rel. Aug. 10, 2000)(“Collocation Order”).

Because many state commissions have not set time limits for provisioning collocation space, the FCC found a “need for national application processing and provisioning interval standards for physical collocation that will apply in the absence of state standards.” Collocation Order, ¶ 21. According to the FCC, “physical collocation offerings must include cageless as well as caged collocation.” Id. A state may set its own collocation standards in one of four ways: “by statute, through an existing or future rulemaking order, by enforcing a state tariff, or by applying the precedent of a state arbitration decision.” Collocation Order, ¶ 22. In the absence of state standards, the FCC standards go into effect on October 10, 2000.

FINDING OF FACT/CONCLUSION OF LAW NO. 3

In Commission Docket No. 1999-259-C, the Commission conducted an arbitration proceeding between BellSouth and ITC^DeltaCom Communications, Inc. ("DeltaCom") pursuant to Section 252(b) of the 1996 Act. In Order No. 1999-690, dated October 4, 1999, ("Arbitration Order") the Commission established certain cageless collocation intervals for DeltaCom and BellSouth. Arbitration Order, pp. 73-74. Specifically, the Commission ordered BellSouth "to complete its construction and provisioning of activities for cageless collocation as soon as possible, but no later than 90 calendar days from receipt of a bona fide firm order." Id.

FINDING OF FACT/CONCLUSION OF LAW NO. 4

On September 26, 2000, BellSouth filed revisions to its Access Services Tariff by adding a Physical Expanded Interconnection Service (PEIS) tariff. E20.2.1.A. The PEIS tariff is a collocation tariff which: (a) applies to both caged and cageless collocation; and (b) adopts the intervals approved by the Commission in its Arbitration Order. The PEIS tariff has an effective date of October 10, 2000.

THEREFORE, BASED ON THE FOREGOING, the Commission hereby adopts and will enforce BellSouth's PEIS tariff as the state standard for collocation provisioning for BellSouth in South Carolina.

This Order shall remain in full force and effect until further Order of the Commission.

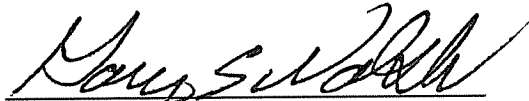
IT IS SO ORDERED.

BY ORDER OF THE COMMISSION:



Chairman

ATTEST:



Executive Director

(SEAL)